

PATENT

**IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE**

Serial No.: 10/622,755)
)
Applicant: SMITH, MILLAR,)
POWELL and BALDWIN)
)
Filed: July 18, 2003)
)
For: AN EXPIRATORY LIMB FOR)
A BREATHING CIRCUIT)
)
Examiner: A. RAGONESE)
)
Art Unit: 3743)
)
Attorney Docket No.:)
1171/39359A/95A)

Certificate of Mailing by "Express Mail"	
Express Mailing No.:	<u>EY363977232US</u>
Date of Deposit:	<u>February 17, 2005</u>
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office Box Addressee" Under 37 C.F.R. §1.10 on the date indicated above addressed to The Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
<u>Tiffany B. Sexton</u> Tiffany B. Sexton	

**PETITION TO ACCEPT UNINTENTIONALLY
DELAYED PRIORITY CLAIM UNDER 37 C.F.R. §1.55(c)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby petition to present a priority claim under 35 U.S.C. §119 based upon New Zealand NZ509041 having a filing date of December 20, 2000.

The entire delay between the date the claim was due under 37 C.F.R. §1.55(a)(1) and the filing of this claim was unintentional.

The Certified Copy of NZ509041 having a filing date of December 20, 2000 was filed on May 5, 2003 in the parent application. In order to reinstate the priority claim and to advance the prosecution of this application, Applicant concurrently files the present Petition (Applicant

advises the Examiner that this does not impact the validity of the request for correction in the parent application with regard to this issue).

A revised Application Data Sheet is enclosed listing the correct priority information.

Attached is a check for \$1,370.00 in payment of the fee specified in 37 C.F.R. 1.17(t) for this Petition.

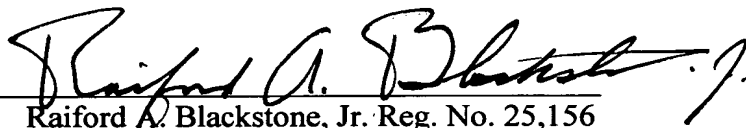
Please charge Deposit Account No. 20-1495 for any deficiency or to credit any overpayment.

TREXLER, BUSHNELL, GIANGIORGI,
BLACKSTONE & MARR, LTD.

Date:

Feb 17, 2005

By:



Raiford A. Blackstone, Jr. Reg. No. 25,156

Linda L. Palomar, Reg. No. 37,903

Attorneys for Applicant and Assignee

Fisher & Paykel Healthcare Limited

105 W. Adams Street

Suite 3600

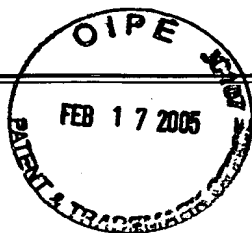
Chicago, Illinois 60603-6299

(312) 704-1890

APPLICATION DATA SHEET

Electronic Version v14

Stylesheet Version v14.1

*Applicant Information:*Inventor 1:

Applicant Authority Type:	Inventor
Citizenship:	NZ
Given Name:	DANIEL
Middle Name:	JOHN
Family Name:	SMITH
City of Residence:	AUCKLAND
Country of Residence:	NZ
Address-1 of Mailing Address:	6a PRESTON AVENUE
Address-2 of Mailing Address:	MT. ALBERT
City of Mailing Address:	AUCKLAND
State of Mailing Address:	
Postal Code of Mailing Address:	
Country of Mailing Address:	NZ
Phone:	
Fax:	
E-mail:	

Inventor 2:

Applicant Authority Type:	Inventor
Citizenship:	NZ
Given Name:	GAVIN
Middle Name:	WALSH
Family Name:	MILLAR
City of Residence:	AUCKLAND
Country of Residence:	NZ
Address-1 of Mailing Address:	1/19 GARADICE ROAD
Address-2 of Mailing Address:	ROTHESAY BAY
City of Mailing Address:	AUCKLAND
State of Mailing Address:	
Postal Code of Mailing Address:	

Country of Mailing Address:	NZ
Phone:	
Fax:	
E-mail:	
<u>Inventor 3:</u>	
Applicant Authority Type:	Inventor
Citizenship:	NZ
Given Name:	KEVIN
Middle Name:	BLAKE
Family Name:	POWELL
City of Residence:	AUCKLAND
Country of Residence:	NZ
Address-1 of Mailing Address:	CREIGHTONS ROAD, RD2
Address-2 of Mailing Address:	PAPAKURA
City of Mailing Address:	AUCKLAND
State of Mailing Address:	
Postal Code of Mailing Address:	
Country of Mailing Address:	NZ
Phone:	
Fax:	
E-mail:	
<u>Inventor 4:</u>	
Applicant Authority Type:	Inventor
Citizenship:	NZ
Given Name:	DAVID
Middle Name:	PETER
Family Name:	BALDWIN
City of Residence:	AUCKLAND
Country of Residence:	NZ
Address-1 of Mailing Address:	1/10 SCOTT ROAD
Address-2 of Mailing Address:	PAPATOETOE
City of Mailing Address:	AUCKLAND
State of Mailing Address:	
Postal Code of Mailing Address:	
Country of Mailing Address:	NZ
Phone:	

Fax:

E-mail:

Correspondence Information:

Customer Number:

00279

00279

Application Information:

Title of Invention: AN EXPIRATORY LIMB FOR BREATHING CIRCUITS

Application Type: regular, utility

Attorney Docket Number: 1171/39359A

*Botanic Information:**Publication Information:*

Suggested Figure for Publication -

Suggested Classification -

Suggested Technology Center -

Total Number of Drawing Sheets -

Representative Information:

practitioner(s) at Customer Number:

00279

00279

as our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Domestic Priority Information:

This is a Division of US application number 09/850,797, filed 2001-05-08, now US patent number 6,769,431, issued 2004-08-03.

Foreign Priority Information:

Doc.No:509041; Country - NZ; Date: 2000-12-20 us-priority-claimed

Doc.No:504439; Country - NZ; Date: 2000-05-10 us-priority-claimed

Assignee Information: